

**ANNUAL REPORT
OF THE
CENSUS DATA ADVISORY COMMITTEE**



**Indiana Legislative Services Agency
200 W. Washington Street, Suite 301
Indianapolis, Indiana 46204**

November, 2008

INDIANA LEGISLATIVE COUNCIL

2008

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CENSUS DATA ADVISORY COMMITTEE

Membership Roster

Senators

**Connie Lawson
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**Lindel Hume
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**Jean Breaux
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**Matt Pierce, Chairperson
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**Philip GiaQuinta
Fort Wayne**

**Kathy Richardson
Noblesville**

**Robert Behning
Indianapolis**

Staff

**Robert Rudolph
Attorney for the Committee**

**Chris Baker
Fiscal Analyst for the Committee**

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at <http://www.in.gov/legislative/>.

I. STATUTORY DIRECTIVE

The responsibilities of the Census Data Advisory Committee are found in IC 2-5-19-19 which reads as follows:

"Sec. 19. The committee shall do the following:

(1) Advise and assist the Bureau of the Census in the preparation and organization of decennial census data for use by the general assembly in reapportioning the following:

(A) The house of representatives of the general assembly.

(B) The senate of the general assembly.

(C) The United States House of Representatives.

(2) Work with the Bureau of the Census in defining the boundaries of census blocks in Indiana.

(3) Coordinate Indiana's efforts to obtain an accurate population count in each decennial census.

(4) Work with other state and federal agencies to assist in the local review program conducted in Indiana.

(5) Work with the code revision commission to prepare legislation for introduction in the regular session of the general assembly that meets during the year of the effective date of the decennial census under IC 1-1-3.5 to propose amendments to Indiana law to reflect the population information obtained as a result of the decennial census.

(6) Study costs and other relevant aspects of acquisition by the state of a geographic information system.

(7) Make recommendations concerning changes or amendments to IC 3 (the elections code) to the general assembly, including legislation for the implementation and administration of the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).".

II. INTRODUCTION AND REASONS FOR STUDY

As has been its practice during the past several interim periods, the Committee met to hear testimony about and consider issues brought to the Chair's attention by legislators and interested parties that the Chair determined should be brought to the Committee's attention.

III. SUMMARY OF WORK PROGRAM

The Committee met on August 26, September 30, October 23, and November 18.

At the August 26 meeting, the Committee heard testimony regarding and discussed the issue of the disqualification of absentee ballots because the absentee ballots are not initialed by election officials as required by Indiana law. At the September 30 meeting, the Committee heard testimony and discussed the public financing of elections. At the October 23 meeting, the Committee heard testimony and discussed the mechanics of military and overseas voters casting absentee ballots and other election administration issues. At the November 18 meeting the Committee considered and adopted this Annual Report.

IV. SUMMARY OF TESTIMONY

August 26 Meeting

At the August meeting, the Committee heard testimony and discussed the issue of the disqualification of absentee ballots because of the failure of election officials to initial the ballots as required by Indiana law. The Committee heard testimony about how the requirement to initial absentee ballots changed two elections held at the 2007 municipal elections: the Muncie mayor's election and a city council election in Shelbyville.

The Committee heard testimony from Mr. Michael Quick, representing Jim Mansfield, the Democratic candidate for mayor of Muncie during the 2007 municipal elections. Mr. Quick related the facts of the case and distributed a copy of an appellate brief submitted to the Indiana Court of Appeals on behalf of Mr. Mansfield. Mr. Quick explained several procedural obstacles in Indiana election law that he believes made it impossible for his client to adequately challenge the decision to disqualify several absentee ballots cast in the 2007 Muncie mayoral election.

Representative Sean Eberhart provided a brief introduction to the facts of the 2007 Shelbyville city council election and introduced Ms. Carol Stohry, Shelby County Circuit Court Clerk, Ms. Tamara Sullivan, Republican candidate for the Shelbyville City Council, Fourth Ward; and Jason Wischhmeyer, Ms. Sullivan's attorney. The witnesses testified that unlike the case of the Muncie mayor's election, absentee ballots were not disqualified because the ballots lacked the initials of an election official; they were disqualified because the initials were in the "wrong" place. Ms. Stohry explained that the practice in Shelby County has been to place the election clerks' initials on the absentee ballot secrecy envelope which had been considered part of the ballot because in Shelby County, the voter is able to cast write-in votes on the secrecy envelope.

At the meeting, staff distributed to Committee members copies of relevant statutes, court cases, and a memorandum from the Election Division concerning the initialing of absentee ballots.

September 30 Meeting

The Committee heard testimony and discussed the public financing of certain elections. Senator Christine Savage from Maine described her experience both as a "self funded" candidate for legislative office and as a candidate whose campaign has been financed by the state. She briefly discussed some of the procedural and substantive provisions of the Maine campaign finance law. Senator Savage stated that the advantages of a publicly financed campaign are as follows: there are more new candidates, more contested races, and that a legislator or candidate could spend more time with constituents. Materials were distributed that provided more detail about the Maine campaign finance law.

Senator Meg Burton Cahill from Arizona described her experience with publicly funded campaigns, both as a challenger and as an incumbent. Senator Cahill described the same advantages to publicly funded elections as did Senator Savage. She particularly emphasized the ability of candidates to spend time with constituents rather than "dialing for dollars".

Mr. Eric Ehst, Executive Director, Clean Elections Institute, outlined the history of adoption of publicly financed campaigns in Arizona. He said that the Arizona system is very similar to the public finance system in Maine, described the tone of Arizona elections and politics since adoption of public financing, and said that the system has encouraged the entrance of more candidates, particularly women and minorities, into political life.

Mr. Dan Weeks, representing Americans for Campaign Reform, distributed a policy paper from his organization and a summary of prominent individuals who support his organization's goals. Mr. Weeks briefly discussed some of his organization's findings and efforts at changing campaign finance practices around the country.

Julia Vaughn, representing Common Cause of Indiana, described efforts in Indiana related to introducing the idea of publicly financed elections in Indiana.

October 23 Meeting

The Committee did not achieve a quorum at the October 23 meeting. However, those members present heard a presentation about military and overseas voters from Ms. Leslie Barnes, Co-General Counsel, Indiana Election Division.

November 18 Meeting

The Committee met to consider and adopt this Annual Report. The Report was adopted by voice vote, the following members voting to adopt the Report: Representative Pierce, Representative Behning, Representative GiaQuinta, Senator Landske, and Senator Hume. There were no votes in opposition to adoption of the Report.

V. COMMITTEE FINDINGS AND RECOMMENDATIONS

The Committee did not make findings of fact.

The Committee did not make recommendations.

WITNESS LIST

Leslie Barnes, Co-General Counsel, Indiana Election Division

Senator Meg Burton Cahill, State of Arizona

Representative Sean Eberhart

Mr. Michael Quick

Senator Christine Savage, State of Maine

Ms. Carol Stohry

Ms. Tamara Sullivan

Julia Vaughn

Mr. Dan Weeks

Mr. Jason Wischhmeyer